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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/044,765  | 01/09/2002  | David P. Sonnier     | SONNIER 4                   | 8338             |
| 27964   | 7590        | 03/22/2006           |                             |                  |
| HITT GAINES P.C.<br>P.O. BOX 832570<br>RICHARDSON, TX 75083 |             |                      | EXAMINER<br>MATTIS, JASON E |                  |
|   |             |                      | ART UNIT                    | PAPER NUMBER     |
|   |             |                      | 2616                        |                  |

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/044,765 | <b>Applicant(s)</b><br>SONNIER, DAVID P. |  |
|                              | <b>Examiner</b><br>Jason E. Mattis   | <b>Art Unit</b><br>2665                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dell et al. (U.S. Publication US 2002/0085578 A1) in view of Lo et al. (U.S. Pat. 6667983 B1).

**With respect to claims 1 and 8, Dell et al. discloses a method in a network system that employs packets having an associated priority (See the abstract and page 8 paragraph 106 for reference to a network switch, which is a network system, that employs packets having an associated priority). Dell et al. also discloses at least two inputs configured to receive packets and at least three packet first-in-first-out buffers (FIFOs) configured to receive packets from the inputs (See page 3 paragraphs 48-49, page 8 paragraph 107, and Figures 2 and 10 of Dell et al. for reference to crossbar device 206 having inputs connecting to ingress line cards 202 and for reference to a number of routing FIFO queues, which are FIFO buffers configured to receive cells, which are data packets, from the inputs). Although Dell et al. does**

disclose the use of packet priority to cause a packet to be queued from one of the FIFOs for processing (**See page 8 paragraph 107 and page 10 paragraphs 145-153 of Dell et al. for reference to an arbiter selecting which bit to accept for the transfer and processing of a packet to an output FIFO queue and for reference to selecting based on a packet priority**), Dell et al. does not specifically disclose a priority summarizer configured to generate a priority summary of the packets within the inputs and packet FIFOs and a scheduler configured to cause one of the packet FIFOs to be queued for processing based on the priority summary.

**With respect to claim 15**, Dell et al. discloses a crossbar switch that employs packets having an associated **priority (See the abstract and page 8 paragraph 106 for reference to a network switch that employs packets having an associated priority)**. Dell et al. also disclose at least two physical interfaces with corresponding inputs and outputs and at least two packet first-in-first-out buffers (FIFOs) receiving packets from inputs (**See page 3 paragraphs 48-49, page 8 paragraph 107, and Figures 2 and 10 of Dell et al. for reference to crossbar device 206 having inputs and physical interfaces connecting to ingress line cards 202 and outputs connecting to egress line cards 210, for reference to each of the outputs having a number of corresponding routing FIFO queues, which are packet FIFOs, and for reference to each output also having a corresponding FIFO queue, which is a destination FIFO buffer, interposing the routing FIFOs and the outputs**). Although Dell et al. does disclose the use of packet priority to cause a packet to be queued from one of the FIFOs for processing (**See page 8 paragraph 107 and page 10 paragraphs**

**145-153 of Dell et al. for reference to an arbiter selecting which bit to accept for the transfer and processing of a packet to an output FIFO queue and for reference to selecting based on a packet priority),** Dell et al. does not specifically disclose a priority summarizer configured to generate a priority summary of the packets within the inputs and packet FIFOs and a scheduler configured to cause one of the packet FIFOs to be queued for processing based on the priority summary.

**With respect to claims 2, 9, and 16,** Dell et al. does not disclose that the summary indicates which FIFO contains a packet having the highest priority.

**With respect to claims 3, 10, and 17,** Dell et al. does not disclose that the summary indicates an order in which to transmit packets contained in the FIFOs to a destination FIFO based upon packet priority.

**With respect to claims 5, 12, and 19,** Dell et al. does not disclose the summarizer generating a summary of packets within each of the packet FIFOs and within each source FIFO.

**With respect to claims 1-3, 5, 8-10, 12, 15-17, and 19,** Lo et al., in the field of communications, disclose a priority summarizer configured to generate a priority summary of the packets within the inputs and packet FIFOs indicating the FIFO with the highest priority packet (See column 9 line 10 to column 10 line 41 and Figure 7 of Lo et al. for reference to circuit 405, which is a priority summarizer, storing lists of pointers to packets that are waiting in FIFOs to be transmitted with the lists of pointers being organized according to packet priority for each FIFO such that the lists are a priority summary of all packets within the FIFOs with the highest

**priority list being the list containing the packet with the highest priority).** Lo et al. also discloses a scheduler configured to cause one of the packet FIFOs to be queued for processing based on an order indicated by the priority summary **(See column 10 line 42 to column 11 line 44 and Figures 8A-B of Lo et al. for reference to arbiter circuit 420, which is a scheduler, that selects a FIFO to be processed for packet transmission based on the priority information of packets stored in the FIFOs of circuit 405).** Using a priority summarizer and a scheduler has the advantage of allowing all packets to be fairly serviced while giving transmission priority to some packets over other packets regardless of the order in which the packets were received.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Lo et al., to combine the priority summarizer and scheduler, as disclosed by Lo et al., with the system and method of Dell et al., with the motivation being to allow all packets to be fairly serviced while giving transmission priority to some packets over other packets regardless of the order in which the packets were received.

**With respect to claims 4, 11, and 18,** Dell et al. discloses that each of the inputs includes a source FIFO **(See page 3 paragraph 49 and Figure 2 of Dell et al. for reference to the inputs having queues, which are source FIFOs).**

**With respect to claims 6, 14, and 20,** Dell et al. disclose a destination FIFO and an output with the destination FIFO interposing the packet FIFOs and the output **(See page 3 paragraphs 48-49, page 8 paragraph 107, and Figures 2 and 10 of Dell et al. for reference to crossbar device 206 having outputs connecting to egress line**

**cards 210 and for reference to each output having a corresponding FIFO queue, which is a destination FIFO, interposing the routing FIFOs and the outputs). Dell et al. also discloses a scheduler transferring packets from the packet FIFOs toward the destination FIFO for transmission via the output (See pages 8-9, paragraphs 111-120, pages 9-10 paragraphs 128-137, and Figures 12 and 15-16 of Dell et al. for reference to grants being accepted to transmit packets to FIFOs corresponding to outputs such that the packets are then outputted).**

**With respect to claims 7 and 15, Dell et al. disclose assigning the packet priority based on a priority associated with each of the inputs or a destination (See page 10 paragraphs 145-153 for reference to selecting packets to transfer both from inputs and toward outputs based on priorities of the inputs an outputs).**

### ***Conclusion***

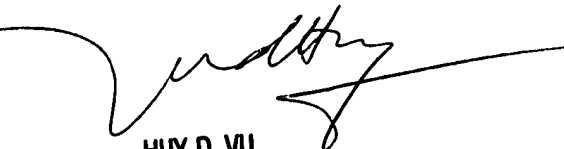
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kohzuki et al. (U.S. Pat. 6912225) discloses a packet forwarding device and priority setting method. Vincent et al. (U.S. Pat. 6938097) discloses a FIFO-based management system with priority buffer support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jem



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600